

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TIMOTHY LLOYD JONES,

Defendant-Appellant.

UNPUBLISHED

April 11, 2006

No. 259066

Wayne Circuit Court

LC No. 04-006910-01

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction of arson, preparation to burn a dwelling with a value over \$20,000, MCL 750.77(1)(d)(i), entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

First, defendant argues that he was denied his right to confront a witness, US Const, Am VI, when the trial court allowed the prosecution to introduce the preliminary examination testimony of Ricardo Martindale without first showing sufficient diligence in trying to produce this witness for trial. *Crawford v Washington*, 451 US 36, 42; 124 S Ct 1354; 158 L Ed 2d 177 (2004). We disagree.

Defendant did not object to the introduction of the preliminary examination testimony at trial; therefore, this issue is not preserved for appeal. Our review of the evidence shows that defendant's substantial rights were not affected. *People v Carines*, 460 Mich 750, 763-764; 597 NW2d 130 (1999).

Next, defendant argues that the trial court erred by prohibiting the introduction of certain police reports to prove bias on the part of prosecution witnesses. The trial court correctly observed that the police reports sought by defense counsel would be inadmissible as hearsay. *People v McDaniel*, 469 Mich 409, 413; 670 NW2d 650 (2003). Moreover, the trial court advised defense counsel that if he desired to subpoena the officers who had authored the reports, a continuance would be granted. Counsel agreed to this procedure, but never requested a continuance. Under the circumstances, we find no error.

Finally, defendant argues that cumulative error deprived him of a fair trial. US Const, Am V; Const 1963, art I § 17. Having found no other error in defendant's trial, we conclude that there has been no showing that cumulative error occurred.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio